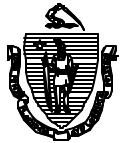


DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT



Mitt Romney, Governor
Kerry Healey, Lt. Governor
Jane Wallis Gumble, Director

RELOCATION ASSISTANCE ADVISORY BULLETIN

SUBJECT: Public Projects Using State and Federal Funds and the Applicability of MGL Chapter 79A and the Federal Uniform Act

DATE: October 16, 2006

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1. Background/Purpose

In July of 1998, the Massachusetts Relocation Assistance Regulation, 760 CMR Part 27.00, promulgated by MGL Chapter 79A, was revised to more closely align with the Federal Regulations for Relocation Assistance, CFR 49 Part 24, which implements the federal relocation law, 42 U.S.C. 4601 (the Uniform Act). However, the state did not revise those provisions that were determined to be more advantageous in comparison.

MGL Chapter 79A, Section 12, authorizes the Bureau of Relocation (BOR) to provide technical assistance and guidance on the requirements of Chapter 79A. The purpose of this bulletin is to provide clarification on which relocation requirement is applicable when a project involves both state and federal funding – i.e. when a project is subject to both state and federal requirements.

When only one source of public funding is used then it is subject to either state or federal requirements; Chapter 79A is followed exclusively for state funded projects. The Uniform Act is followed exclusively for projects using federal funds. What happens when two sources of funding are used; when two sets of provisions apply, and when the relocation provisions differ in their requirements?

2. Recommended Guidance

MGL Chapter 79A and the Uniform Act were established to provide displaced persons with reasonable, fair and equitable relocation assistance and payments.

It is for these reasons, that the BOR recommends that a displacing agency/entity use the higher of the state or federal requirements. When they both apply but conflict, utilize the most advantageous

provision to the displaced person from either the state or federal requirements. In this way, both the state and federal requirements will be satisfied. The displacing agency may not choose one of the two laws to apply since both are applicable and the project must demonstrate compliance to both.